

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	Attorney Docket No. 579510-630-001
Wakabayashi et al.)	
)	
Application No.: 10/633,162)	
)	
Filed: July 30, 2003)	
)	
For: SYRINGE PUMP)	
)	
Examiner: Han, Mark K.)	
)	
Art Unit: 3767)	
)	
Confirmation No.: 7506)	

REMARKS

Claims 1-3 are now in the application.

Claim 3 has previously been allowed and claims 1 and 2 have been amended and are now believed to be allowable.

In the last Office Action, claims 1 and 2 were rejected under section 102 as being anticipated by U.S. 5,913,844 to Ziemba et al. (hereafter "Ziemba"). In the Office Action, it was stated that "Ziemba discloses a flange attaching section (holder 32 in the reference) having a flange supporting section 35 (sleeve 35), movable section 30 (opening 30 of lever 26), flange section 45 (flange 45) and flange attaching operation section 33 (shaft 33)." Ziemba operates by having the syringe 40 mounted by the flange 45 in the sleeve 35 of the holder 32. Then the holder 32 is pivoted about the shaft 33 so that the button 49 of the syringe is contacted by the ram 12 of the pump which protrudes through the opening 30 of the movable lever 26. There is no disclosure of the problem of having the pump handle syringes with flanges that have varying thicknesses.

The applicants' syringe pump does not operate in the same way as Ziemba's pump and applicants' pump is structured to accommodate flanges of different thicknesses by having an adjustable flange pressing plate 46. In FIGS. 2-4 of the subject application, a syringe 72 is placed such that a flange section 74 of the syringe is mounted between projected portion 44 and the adjustable flange pressing plate 46. The plunger 75 of the syringe is moved by the slider 38. To accommodate different size syringe flanges, the flange pressing plate 46 is adjustable about a rotational axis formed by the pins 47a and 47b, FIG. 8, where the rotation axis extends generally parallel to the flange supporting section of the pump.

Claim 1 has been amended to include the limitation that while the flange supporting section contacts the flange of a syringe "the movable section (is) . . . adjustable around a rotational axis extending general parallel to the flange supporting section." It is noted that this axis extends perpendicular to the longitudinal axis of the syringe barrel and plunger.

In contrast, the "movable section 30" of the lever 26 moves about an axis that is parallel to the longitudinal axis of the ram 12 and the longitudinal axis of the syringe when it is in operative mode, that is, after the holder 32 is rotated upwardly to allow engagement of the button 49 with the ram 12. This is not surprising because Ziemba makes no mention of the flange thickness problem and no particular effort is made to adjust for different flange thicknesses. Ziemba does not disclose any element equivalent to the adjustable, rotatable flange pressing plate 46 of the applicants' invention.

A second limitation found in amended claim 1 is that the flange attaching operation section causes rotation of the movable section. This is, the flange pressing block 48 moving against the downward portions of the pins 47a and 47b so that the flange pressing plate 46, connected to the pins, becomes rotatable and adjustable. The identified items in Ziemba, the

“flange attaching operation section 33” (shaft 33) does not even operate the movable lever 26 with the opening 30.

Under the circumstances, Ziemba cannot anticipate the subject application because each and every limitation in claim 1 is not found in the cited reference. For this reason the Examiner is respectfully requested to reconsider claim 1 and indicate allowance.

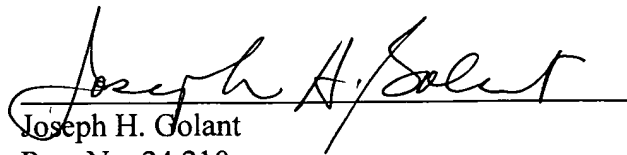
Claim 2, dependent from claim 1, includes the further limitation: “barrel pressing section for pressing the syringe barrel against the barrel supporting section and for releasing the barrel from pressing against the barrel supporting section.” Claim 2 includes all of the limitations of claim 1 and in addition the limitation just recited. This latter limitation does not appear in the Ziemba disclosure as there appears to be nothing pressing the syringe barrel. The Examiner is respectfully requested to reconsider claim 2 and indicate allowance.

The applicants thank the Examiner for his allowance of claim 3.

Should the Examiner wish to discuss the claims he is invited to call the undersigned at the Examiner's convenience.

Dated: June 29, 2006

Respectfully submitted,


Joseph H. Golant
Reg. No. 24,210
JONES DAY
77 West Wacker Drive
Chicago, Illinois 60601-1692
(312) 269-1534
jhgolant@jonesday.com